



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, May 19, 2015
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Alicia DiBenedetto-Neubauer
Tom Fabiano
Melissa Luciani-Beckford
Dan Roszkowski
Craig Sockwell
Kimberly Wheeler-Johnsen

Absent: Scott Sanders
Dan Roszkowski

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Kelly Nokes – Engineering Operators Manager – Public Works
Matt Knott – Fire Department
Officer Chelsey Lochner– Police Department

Others: Alderman Frank Beach
Alderman Joseph Chiarelli
Alderman Tina Newberg
Kathy Berg - Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.

- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Tuesday, May 26, 2015 at 5:30 PM in City Council Chambers of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting is listed on the agenda as well.

The meeting was called to order at 6:25 P.M. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the April 21st meeting with a correction on page 2 to read "May 19th". The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Scott Sanders and Dan Roszkowski absent.

Items 014-LTAB-017 through and including 014-LTAB-039 were requested to be Laid Over to the June 16, 2015 meeting. A **MOTION** made by Craig Sockwell to **LAY OVER** items 014-LTAB-017 through and including 014-LTAB-039 to the June 16, 2015 meeting. The **MOTION** was seconded by Melissa Beckford and **CARRIED** by a vote of 5-0

014-LTAB-017

Applicant
Ward 10

5410 and 5456 East State Street

Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc.

Sale of liquor by the drink in conjunction with a restaurant, bar and grill, nightclub and video gaming facility with an outdoor seating area in a C-2, Limited Commercial Zoning District.

Laid Over June 2014 – April 2015

014-LTAB-035

Applicant
Ward 10

262 North Phelps Avenue

Mary Maggio d/b/a Sam's Slots Inc.

Sale of beer and wine by the drink in conjunction with a video gaming facility in a C-3, General Commercial Zoning District.

Laid Over September 2014 – April 2015

014-LTAB-036

Applicant
Ward 10

280 North Phelps Avenue

Brandan T. Blackler d/b/a Maxswells Eatery & Slots

Sale of beer and wine by the drink in conjunction with an eatery and a video Gaming facility in a C-3, General Commercial Zoning District

Laid Over September 2014 – April 2015

014-LTAB-037

Applicant
Ward 07

2515 Kilburn Avenue

Ampelio Delgado Martinez for El Carrizal Inc. d/b/a Fuzzy's

Sale of liquor by the drink in conjunction with a restaurant, bar, and video gaming facility with an outdoor beer garden in a C-2, Limited Commercial Zoning District

Laid Over September 2014 – April 2015

014-LTAB-038

Applicant
Ward 10

3806 East State Street, 3800 East State Street

Dan A. Olson for Olson Enterprises LLC d/b/a Olson Gaming

Sale of beer and wine by the drink in conjunction with a video gaming facility and bar in a C-2, Limited Commercial Zoning District

Laid Over September 2014 – April 2015

014-LTAB-039

Applicant
Ward 01

7551 Walton St, 172 S. Bell School Rd, 7521, 7531 & 7541 Walton St.

John Hassett for Premier Entertainment of Illinois LLC d/b/a Pinky's

Sale of liquor by the drink in conjunction with a video gaming facility and bar in a C-3, General Commercial Zoning District

Laid Over September 2014 - April 2015

End of Laid Over Items

015-LTAB-022

Applicant
Ward 06

2315 Harrison Avenue

Brad Fosberg and Kelly Bloomquist d/b/a The Victory Tap Sports Bar

Sale of liquor by the drink in conjunction with a tavern/sports bar with a video gaming facility in an I-1, Light Industrial Zoning District

The subject property is located on the south east corner of the Harrison Avenue and 18th Street intersection and is currently a vacant building formerly known as the Victory Tap. Attorney Robert Calgaro and Brad Fosberg, Applicant, were present. Attorney Calgaro stated this Application will result in a revitalization of the old Victory Tap, which will be converted to a sports bar similar to Oscars at east State and Mulford, also owned by the Applicant. He further stated the Applicant has no objections to Staff conditions. Food will be served during the noon hour. It was further stated that it is not the intend of the Applicant to have a live band but they would like the option to have a 1-3 piece group.

Attorney Hammer asked for clarification on the ratio of food to alcohol. The response was 90% to 95% food. The Board questioned why this application that contained video games was going through when there were several others that have been held back. Attorney Hammer responded exceptions are made for existing businesses.

Staff Recommendation is for Approval with (17) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Tom Fabiano to **APPROVE** the sale of liquor by the drink in conjunction with a tavern/sports bar with a video gaming facility in the name of Brad Fosberg and Kelly Bloomquist d/b/a The Victory Tap Sports Bar in an I-1, Light Industrial Zoning District at 2315 Harrison Avenue. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of Building Permit for Staff review and approval.

4. Submittal of a revised site plan that includes the new location of the dumpster enclosure for Staff review and approval.
5. Submittal of revised interior floor plan that includes the location of the gaming machines for Staff review and approval.
6. Submittal of a dumpster detail and rendering for Staff review and approval.
7. The sale of liquor by the drink shall be limited to submitted Exhibit E.
8. The hours of operation will be limited to 10:00 am to 2:00 am Sunday through Saturday.
9. That the existing roof signs be removed.
10. Window display signage is limited to 20% of window area.
11. That the windows shall not be covered with bars or other devices that block the windows.
12. The tavern/sports bar shall not have a cover charge.
13. The tavern/sports bar shall not have a dance floor.
14. The tavern/sports bar shall not have any DJs.
15. The tavern/sports bar shall not operate as a nightclub.
16. That the use shall not have any outdoor sales area or outdoor seating area permitted on the subject property.
17. All conditions must be met prior to establishment of use.

015-LTAB-023

Applicant
Ward 14

3299 South Alpine Road

Kulraj Singn Grewal for Yuvi Oil Inc. d/b/a Alpine Marathon

Sale of Tobacco Products in conjunction with a gas station and convenience
Sale of Packaged Liquor in conjunction with a gas station and convenience
store in a C-3, General Commercial Zoning District and R-4, Multi-family
Residential Zoning District

The subject property is located on the northwest corner of Mayflower and North Alpine Road intersection. Kulraj Singn Grewal, Applicant, reviewed his request for the sale of tobacco and packaged liquor. He stated tobacco and liquor sales will not exceed 10% of total sales.

Angela Hammer asked Mr. Grewal if Staff conditions of Approval were agreeable. Mr. Grewal stated he was in agreement. She also asked him how much time he needed for landscaping. Mr. Grewal responded they have already hired someone who has begun to do plantings. She explained that Staff conditions (11) and (12), giving a time frame for completion of June 1 for fencing and landscaping could be revised to a later date if the Board wished to provide additional time for the Applicant. Mr. Capovilla also agreed that Staff was comfortable with changing these dates to as late as July 1st.

Mr. Grewal verified that he is under a lease-to-buy contract and any previous applications on this property were not in his name.

Staff Recommendation is for Approval with (12) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Melissa Beckford to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience and to **APPROVE** the sale of packaged liquor in conjunction with a gas station and convenience store in the name of Kulraj Singn Grewal for Yuvi Oil Inc. d/b/a Alpine Marathon in a C-3, General Commercial Zoning District and R-4, Multi-family Residential Zoning District at 3299 South Alpine Road with changes to conditions (11) and (12) to July 1, 2015. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes and Liquor Codes.

3. That the window signage shall not exceed 20% of window area and all temporary outdoor signs shall be removed.
4. The sale of liquor shall be limited to the interior floor plan that will not exceed more than 10% of floor area.
5. Daily maintenance of the landscaping area and the adjacent green area next to the residential uses must be free of debris/garbage.
6. Installation of landscaping units that have been removed along Mayflower and South Alpine Road.
7. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.
8. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
9. That the window shall not be covered with bars or other devices that block the windows.
10. Submittal of a landscaping plan indicating existing and proposed landscaping units per the ordinance for Staff's review and approval.
11. Installation of required landscaping by July 1, 2015.
12. The existing fence along the western property line must be maintained in satisfactory condition. Any portion of the fence in disrepair shall be repaired and/or replaced by July 1, 2015.

015-LTAB-024

Applicant
Ward 10

3725 East State Street

Nancy Macias for Hacienda San Jose, Inc. d/b/a Hacienda San Jose, Inc.
Modification of Existing Liquor License to extend only the hours of operation from 1:00 AM to 2:00 AM Sunday through Thursday and from 1:00 AM to 3:30 AM Friday and Saturday with liquor sales to end at 2:00 AM in a C-3, General Commercial Zoning District

The Applicant has requested that this item be Laid Over to the June 16th meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Modification of Existing Liquor License to extend only the hours of operation from 1:00 AM to 2:00 AM Sunday through Thursday and from 1:00 AM to 3:30 AM Friday and Saturday with liquor sales to end at 2:00 AM in the name of Nancy Macias for Hacienda San Jose, Inc. d/b/a Hacienda San Jose, Inc. in a C-3, General Commercial Zoning District at 3725 East State Street to the June 16th meeting. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

015-LTAB-025

Applicant
Ward 02

2338 Charles Street

Samer Alsagaf d/b/a S & H Variety, Inc.
Modification of Existing Tobacco License to extend the business hours to Sunday through Saturday from 7:00 AM to 11:00 PM and to allow permanent bars on the glass windows of the building in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of the South Rockford Avenue and Charles Street intersection. This application is a result of a violation for operating hours later than what was approved and for installing bars on the windows, also prohibited by the Ordinance approved February 2014 for the sale of tobacco products. Attorney Thomas Laughlin, and Samer Alsagaf, Applicant were present. Attorney Laughlin reviewed the request. He stated his client is competing with Walgreens across the street who is open later and selling many of the same items as the Applicant's convenience store. The Subway store is also open later so the Applicant feels extending his hours are not changing the neighborhood by staying open later. The Applicant is also asking that the bars installed on the windows in violation be allowed to remain. He feels this is a security issue. Attorney Laughlin stated they have

asked the Legal Department to present them with a better way to provide security other than bars on the windows and have not had a response. He stated until the City adopts "something" for better protection they ask that the bars remain.

Attorney Hammer asked why the applicant agreed to the hours and no bars on the window that were part of the conditions in 2013. Attorney Laughlin stated because they thought it would work. Attorney Hammer stated reports were received stating applicant was staying open past the 8:00 PM closing time on a regular basis, which triggered this investigation and resulting violation. She further stated the Applicant was opening earlier than allowed and closing later than the 8:00 PM specified closing.

During discussion, Ms. Neubauer stated she lives close to this area and does not feel comfortable going into the store because of the bars on the windows. She also stated there is a trip hazard in the parking lot because of a parking block being pushed aside. She told the Applicant they could bring the parking lot and landscaping up to standards, and increase the ability to see into the store by using cameras and lighting for the safety issues as other establishments have done. She further stated that other establishment do not have bars on the windows. Kim Johnsen also felt bars on the window create a very negative perception so she would not support this part of the application.

Staff Recommendation is for Denial of both requests. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Modification of existing tobacco license to extend the business hours to Sunday through Saturday from 7:00 AM to 11:00 PM and to **DENY** permanent bars on the glass windows of the building in the name of Samer Alsagaf d/b/a S & H Variety, Inc. in a C-3, General Commercial Zoning District at 2338 Charles Street. The Motion was **SECONDED** by Tom Fabiano.

Prior to vote, the **MOTION** was **AMENDED** to approve the Modification of existing tobacco license to extend the business hours to Sunday through Saturday from 7:00 AM to 9:00 PM and to **DENY** permanent bars on the glass windows of the building in the name of Samer Alsagaf d/b/a S & H Variety, Inc. in a C-3, General Commercial Zoning District at 2338 Charles Street with the original conditions of approval from 2013 to remain in effect. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 4-1 with Alicia Neubauer voting Nay.

015-LTAB-026

312, 318, 330, 340 Spring Creek Road 23XX and 2313 Stoneridge Close

Applicant
Ward 12

Benny F. Salamone for BCSI LLC d/b/a Fresco At the Gardens
Sale of liquor by the drink in conjunction with a restaurant and the sale of liquor by the drink in conjunction with an outdoor seating area in an R-1, Single Family Residential Zoning District

The subject property is located on the north side of Spring Creek Road. Benny Salamone and Jacob Ziegler were present. The Applicants are in the process of moving their current lunch operation of Franchesco's to Anderson Gardens. Anderson Gardens currently has a liquor license; however, the Applicants are asking for their own liquor license for breakfast and lunch service. They will also have a coffee lounge area along with two patios and dining area. Mr. Salamone stated the ratio of food to liquor is 90%-10%.

Attorney Hammer asked if there would be tables and seating on the decks to which the Applicant responded there would be. She further asked if they had an opportunity to review staff conditions and if they were agreeable them and the response was yes. Hours of operation will be 7:00 AM to 3:00 PM with the exception of banquets. Banquets would be private events. Attorney Hammer asked if they would be asking for a catering license and Mr. Salamone responded that the banquets would be on-site. He further stated private events are held later in the evening, so he would like to amend his application to request

hours of operation be from 7:00 AM to 11:00 PM. Ms. Johnsen asked about conditions 9 and 10 stating there will be no live entertainment or DJs and condition 8 stating there shall not be a dance floor and wondered if they would want bands or DJs at private events. Attorney Hammer responded that these two conditions could be amended to add “excluding private events”. The Board was in agreement.

Staff Recommendation is for Approval with (11) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Benny F. Salamone for BCSI LLC d/b/a Fresco At the Gardens in an R-1, Single-Family Residential Zoning District with modifications to conditions 8, 9, and 10 to exclude private events. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Must be in compliance with all City of Rockford Liquor Codes.
3. The sale of liquor by the drink must be in conjunction with a restaurant.
4. The sale of liquor by the drink shall be limited to the submitted plans.
5. Hours of operation are limited to 7:00 AM to 11:00 PM Sunday through Saturday.
6. Window display signage is limited to 20% of window area.
7. The proposed restaurant shall not have a cover charge.
8. The proposed restaurant shall not have a dance floor, excluding private events.
9. The proposed restaurant shall not have any DJs, excluding private events.
10. The proposed restaurant shall not have any live entertainment, excluding private events.
11. The proposed restaurant shall not operate as a nightclub.

015-LTAB-027

Applicant

Ward 05

828 Cunningham Street & 816 Corbin Street

Said Elkhatab for Northwest Food & Liquor II, Inc.

d/b/a Cunningham Market/Corbin Street Grill

Sale of liquor by the drink in conjunction with a tavern / restaurant

Sale of Packaged Liquor in conjunction with a grocery / convenience store in a C-2, Limited Commercial Zoning District

The Applicant has requested that this item be Laid Over to the June 16th meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Sale of liquor by the drink in conjunction with a tavern / restaurant; and to **LAY OVER** the sale of packaged liquor in conjunction with a grocery / convenience store in the name of Said Elkhatab for Northwest Food & Liquor II, Inc. in a C-2, Limited Commercial Zoning District at 828 Cunningham Street and 816 Corbin Street to the June 16, 2015 meeting. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

OTHER BUSINESS

Attorney Hammer explained that City Council voted to approve the liquor ordinance license by a 9-3 vote. This ordinance requires all new applicants to have no less than 50% of non-food items. The Victory Tap, 2315 Harrison on this meeting's agenda, will be the first item to come before the Codes & Regulations Committee under this new Ordinance. Craig Sockwell asked if someone could be approved for a bar and then have a gaming license afterwards? Attorney Hammer responded that no new licenses will be issued

under the old classifications so this would not be allowed. Moving forward, there will be a transition time for current laid over applications to meet the new criteria. Attorney Hammer anticipate reviewing all the pending applications prior to the June 16th meeting and some may be withdrawn or Laid Over for an additional month.

With no further business to come before the Board, the meeting was adjourned at 7:18 PM

Respectfully Submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board